

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

United States of America,

v.  
Frederick Banks, Defendant.

2:15CR168

**FILED**

JUL 03 2019

MOTION TO ORDER STATEMENT OF  
POSITIONS OF COUNSEL ON THE ISSUE  
OF TRANSFERRING DEFENDANT TO A HALFWAY  
HOUSE DURING PENDENCY OF THIS CASECLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Frederick Banks, Native American & Defendant ("Banks") seeks an ORDER to direct counsel to file Statements of Positions on if a transfer of Defendant to a halfway house such as Renewal Center is warranted during the pendency of this case and represents:

1. Banks has been in pretrial detention for nearly 47 months which exceeds the maximum possible guidelines sentence even if he was convicted of all the charges.
2. While in pretrial detention for the last 17 months at ACT and Mahoning County Jail Banks has been in solitary confinement where he has raised numerous Bell v. Wolfish due process violations. See ECF 919, 930. In the last 14 months Banks has not had a shower. In the last 13 months Banks has not been allowed to make a single personal phone call while other inmates on the unit routinely use the phone daily to make personal calls. In the last 13 months Banks hasn't received recreation outside of his cell and the cell ventilation is poor. His blankets haven't been washed in over eight months.
3. Litha also known as Midsummer and Summer Solstice is one of the eight major Wicca Sabbats (Religious celebration days) and falls on June 20-23 every year. This year at ACT the chaplain's office scheduled for Banks through Food Service a dinner religious meal for Litha. The Litha dinner meal was to be specially prepared from a Litha menu and to include "Fresh Fruits and Vegetables" and be held on the Evening of June 21, 2019. However, on June 21st Banks didn't get it. When SE Corrections Staff called the kitchen (Co Costerelli) he stated that Food Service said they did not have it. To date despite Banks request to reschedule the Litha meal he has yet to receive even a reply. In contrast the muslim month of Ramadan was just celebrated at ACT. Every day for just over a month Hundreds of Muslims received a religious meal that consisted of a double portioned tray and a specially prepared bag that included boiled eggs, juices, jellies, bread and peanut butter and more. Banks the only Wiccan at ACT did not receive a single religious meal requested for one Sabbat. In addition Banks has not received a visit from Wicca clergy or a Wicca Volunteer. These things constitute First Amendment violations as well as due process violations. Therefore, Banks requests a Transfer to Renewal Center and for the court if it deems necessary to request a position statement by counsel on this request. These pretrial punishments violate Banks rights.

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I. On 6/26/19 a dead fly was placed in Banks Pinnapples (Canned) during the evening meal. This apparently was in retaliation for Banks contesting the fact that he didn't receive the Litha meal. Banks' tray had his name on it because he gets a cardiac tray. However, chaplain director Kim Greway visited Banks and said she will look into it. She approved 3 days of Litha meal.

4. Because Banks has already served any Guidelines sentence in this case, if not convicted, a trial date is not set and his nearly 47 months of pretrial detention drags on the court should grant this motion. In the order the court should order Banks Laptop & discovery transfer with him. Further Banks wallet, keys & items should be likewise returned.
5. Additionally, as of June 17, 2019 the government doesn't oppose Banks' release pending trial. See Government's Response to Motion For Release From Custody at page 9 in USA v. Banks, No. 19-2258 (3d Cir 6/17/2019)
6. Also, my friend in conversation with Renewal Center stated that once the court issues an order Banks could be transferred to Renewal Center immediately. Beds are open. Since even though Banks has provided legitimate housing options & combinations of conditions to assure his attendance at trial see Motion for Release at ECF 930 this court has declined to release Banks on Bond for some unknown reason. It should order him transferred to a halfway house to include Renewal Center. At least at the Renewal Center as before Banks will be able to take showers, practice his religion without hindrance and even work or attend school.
7. Accordingly, the motion should be granted. And Banks noted that in conversations with defense counsel previously counsel stated that if the court denied Banks' Motion for Release counsel would file a motion to transfer him. At this late stage the only logical transfer for Banks is Renewal Center as it is in the vicinity of the court and hopefully this case will be resolved soon. Also counsel has yet to file a transfer motion.

WHEREFORE, the foregoing motion should be granted. The court should order that defendant be transferred to Renewal Center or another halfway house during and until the resolution of this case along with all other requested or warranted relief.

Respectfully Submitted,



Frederic Banks

#720759

950 Second Avenue

Pittsburgh, PA 15219

DEFENDANT

2. Also, since Banks is not serving a sentence and has served any possible sentences the court should order that Banks be allowed to possess a smart cell phone while at Renewal Center so he can stay in touch with counsel and have access to legal research in defense of his criminal case. Noted that Renewal already allows residents to possess cell phones but a specific order 2 of 2 is needed for a smart phone & Laptop or Tablet.

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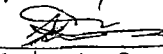
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NOTICE THAT FREDERICK BANKS PREDICTED  
THE USA CONFLICT WITH IRAN (ECF 315)

1. In the ongoing correspondence between Frederick Banks and Ivanka Trump known as the Banks Ivanka papers Banks made a prediction that the USA will go to war with Iran. See Letter to Ivanka Trump (04/08/2017) ECF 315 ("I think the USA is going to go to war with Iran").
2. A few days ago NPR news reported that president Trump called off a military strike on Iran at the last minute. The strike was to be in retaliation for Iran shooting down a U.S. surveillance drone. Instead of the strike the USA approved and implemented new economic sanctions against Iran. The Supreme Leader of Iran according to NPR news views U.S. sanctions as "an act of war."
3. Banks' theory is that if a US war breaks out with Iran that the war will go nuclear and puts it in the high 90% that Pittsburgh will be struck with a nuclear missile in the early stages of the war by one of Iran's allies (either Russia or China who will choose sides) as it will be the beginning of World War III which due to current technology may be the quickest war ever fought in modern history.
4. Trust that Banks doesn't want to be sitting in the Allegheny County Jail with a sentence already served on charges that will probably never be tried and that he is not convicted of & never will be if/when the above happens. This Court should order his unconditional release Now.

Dated: 6/26/2019

Respectfully Submitted,

  
Frederick Banks  
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DEFENDANT